

**POLICY AND LAW COMMITTEE MEETING
FEBRUARY 14, 2008 – 1 PM
APPOQUINIMINK STATE SERVICE CENTER – MIDDLETOWN, DE**

Present: Daniese McMullin-Powell, SCPD; Brian Hartman, DLP; Jamie Wolfe, Consumer; Ray Brouillette, Easter Seals; Tom Barlow, Easter Sealss; Tim Brooks, CDS; Kathie Cherry, GACEC; Al Rose, DDC; Donny Moore, Consumer; Tony Horstman, Parent; Marge Turner, UCP; Liz Schantz; Kyle Hodges, Staff

Absent: Bob Osgood, SCPD; Chris Long, DHSS/DDDS; Carolanne O'Brien, DVR; Pat Maichle, DDC; Brian Bard, Consumer; Susan Ccyk, DSCYF; Norwood Coleman, Family Member; Cookie Austin, Parent; Kim Siegel, ASD; Connie Hughes, DELARF; Karen Lazar, Ombudsman's Office; Rita Landgraf, SCPD; Regina Byers, GCAAPD;

CALL TO ORDER

Daniese McMullin-Powell called the meeting to order at 1:10 PM

ADDITIONS OR DELETIONS TO THE AGENDA

Kyle added the following issues: MBI Training; HB 315; JFC (Transportation); and the March P&L meeting.

APPROVAL OF MINUTES

The minutes from the October 2007 meeting were approved as submitted.

REVIEW OF REGULATIONS AND POLICIES

1. DMMA Final Prepaid Funeral Regulations [11 DE Reg. 1051 (February 1, 2008)] – It was agreed that no further action was required.

2. DMMA Final ABI Waiver Program Regulations [11 DE Reg. 1054 (February 1, 2008)] - It was agreed that no further action was required.

3. Dept. of Insurance Final Discrimination Regulations [11 DE Reg. 1060 (February 1, 2008)] - It was agreed that no further action was required.

4. DOE Prop. Student Teacher Background Check Regulation [11 DE Reg. 984 (February 1, 2008)] – Motion was made, seconded and approved for SCPD to send a letter to DOE consistent with Brian's memo. Tim Brooks abstained.

4. DSAAPD Draft Personal Attendant Services Service Specifications (February 4,

2008) – Kyle asked if this issue could be moved to the beginning of the agenda. Regarding Section 3.1, Kyle noted that he believed the intention of the draft specifications is to allow the use of more providers other than Easter Seals so the consumer has a choice. Given this, regarding Section 3, it was agreed to delete the recommendation in 3.1 and provide the following comment: “In general, SCPD recommends that “provider agency” be defined. If the Division anticipates having more than one provider agency, that should be reflected more clearly in the service specifications.

Regarding Section 3.2.5.4, it was agreed to delete this section since the consumer is the employer and they are the only ones that need to know the attendants’ other employer obligations. It does not need to be contained in the ISP which is reviewed by the provider agency.

Regarding Section 6.1, it was agreed to delete this recommendation since it is no longer apt.

Regarding Section 6.2, it was agreed to include language which captures the following: In addition, as currently written, this section would exclude individuals who may not have the “capacity” to perform these functions. The statute does not exclude individuals who may not have the physical or mental capacity to perform the itemized functions.

Regarding 6.2.2.1, it was agreed to delete the following: “or assisted with identification and hiring of non-agency attendant(s)” since relatives currently go the same provider process as other attendants when selected.

It was agreed to delete the recommendation regarding Section 6.4. Even though the language is vague, the Committee could not determine language regarding who is “more” responsible in obtaining attendants when service hours are difficult to fill. For example, Donny prefers to take on this responsibility himself. Others felt the provider should have more responsibility. It was noted that Easter Seals does provide an attendant registry for people to use if they so choose. It is difficult to maintain the registry since people are likely to take other jobs if not hired quickly.

Please note that the following recommendation: “Sections 6.3 and 6.4.1: These sections overlap and should be consolidated.” was not included in the SCPD letter since it was not apt because they were actually consolidated in the latest draft (2/5). Brian’s draft (2/4) was different in this context.

It was agreed to delete the recommendation regarding 8.1 since it is no longer apt.

Regarding Section 8.1.6, it was agreed to delete the current recommendation and insert in lieu thereof, the following: “If DSAAPD anticipates having more than one provider, it will need to ensure a uniform survey document so the Division can aggregate data for its annual report as required by Title 16 Del.C. §9404(7). Also, in theory, consumers may

be discouraged to disclose dissatisfaction for fear of retribution if their comments are submitted to the provider. The system could be improved by having the survey instruments returned to the quality assurance personnel within the provider agencies and by requiring all comments in the surveys to be provided to DSAAPD verbatim in the report contemplated by Section 8.1.6.”

Jamie noted that “Section 8.1.7” should be inserted before “Monitor.....”. This provision is not “assigned” a section number.

It was noted that Sections 8.1.8 and 8.1.8.1 should be deleted since family members are already required to go through the same process (e.g. background checks, training) as other attendants when hired. They have the same obligations as other attendants and therefore should not be subject to different requirements.

Ray noted that a grievance procedure is provided in the contract with the provider. However, consumers are not provided with that information. Therefore, it was agreed that under “Miscellaneous”, the letter will note that SCPD recognizes a grievance procedure may be outlined in the current contract with the provider; however, there should be some reference to “an impartial grievance system” in the service specifications so consumers are aware that there is such a system.

Motion was made, seconded and approved for SCPD to send a letter to DSAAPD consistent with Brian’s memo and the aforementioned recommendations.

6. S.B. No. 200 (CHIP Premium) – Motion was made, seconded and approved for SCPD to send a letter strongly endorsing the bill consistent with Brian’s memo. In addition, Marge raised the following issue. A parent has access to private insurance, but would have to pay extra for dependent coverage. The parent then wants to enroll the child in CHIP, but is told the child would have to be uninsured for 6 months before being eligible to apply for CHIP. Kyle will email DMMA to determine if this is true or what is the policy.

7. H.B. No. 286 (District Facilitation of CHIP Enrollment) - Motion was made, seconded and approved for SCPD to send a letter endorsing the bill subject to the amendments recommended in Brian’s memo.

8. H.B. No. 285 (Single-Gender Charter Schools) – Tim reported that the national ACLU and NAACP are opposed to single-gender charter schools and could be a door opener for single-race schools. Kyle suggested that this may be an issue best addressed by GACEC since there may not be much of a disability nexus. Brian did not believe that this would be a door opener for single race schools. In the “door opener” context, Jamie believed this could set a precedent for disability schools. Brian reported that this is an option, not a requirement and there are other private same-sex schools such as Salesianum and Ursuline. Motion was made, seconded and approved for SCPD to endorse the concept of the authorization of single-gender charter schools, but does not

take a position specifically on the Prestige Academy Charter School. Donny Moore voted no and Tim Brooks abstained.

9. H.B. No. 297 (Children of Military Families Compact) - Motion was made, seconded and approved for SCPD to endorse the bill. Tim Brooks abstained.

10. H.B. No. 301 (Foster Child Higher Education Benefit) - Motion was made, seconded and approved for SCPD to endorse the bill subject to the correction of a technical error. Tim Brooks abstained.

11. H.B. No. 291 (Driving & Text Messaging) – Motion was made, seconded and approved for SCPD to endorse the bill. Marge Turner abstained.

12. SCR No. 24 (Eagle’s Law Revision) - Motion was made, seconded and approved for SCPD to endorse the resolution with the recommendation to suggest representation from SCPD.

OTHER BUSINESS

Tony reported that he heard that a Department had been asked to cut its present budget by \$ 4 million. He asked if others had heard of similar budget cuts. Kyle reported that his office and other divisions have been requested to “freeze” their budgets. Kathie reported that many departments/divisions have a 3 percent provision built into the budgets for such fiscal situations that Delaware is currently facing.

Prosthetic Parity Insurance Legislation – Kyle provided a copy of such legislation which was provided by the Amputee Coalition of America. Kyle received this from a person involved in a Delaware support group and a member of the Healthy Delawareans Grant Project headed by CDS. After much discussion, it was agreed that the “bill” is really just concepts at this point and is not inclusive of all types of prosthetics (e.g. leg braces, internal prosthetics). It was agreed that SCPD should wait to comment, endorse, etc. until a cleaner draft bill is provided.

HB 315 – This bill attempts to revise the membership of the Council on Services for Aging and Adults with Physical Disabilities to match exactly the qualifications for membership of the physical disability portion of the Board. However, it does not accomplish that and would literally only allow membership of people with disabilities that are elderly or low income. Jamie and Kyle reviewed an earlier draft this session that appeared to capture Rep. Wagner’s intent, but this is a different bill. Kyle noted that this bill does not “water down” the disability membership like the version introduced last year. SCPD will further discuss this at its full Council meeting.

JFC Transportation Hearing – It was agreed that Daniese would testify in support of Sunday bus service.

MBI Training – Jamie announced that CDS and DMMA will be collaborating to provide an MBI Training on February 21st at 3:30 CDS. Kyle also provided flyers.

March Meeting – It was agreed that the Committee would meet on March 13 at 1 PM at a location in Dover.

ADJOURNMENT

The meeting was adjourned at 3:05 PM.

Respectively submitted,

Kyle Hodges
SCPD Administrator
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